



California Regional Water Quality Control Board San Diego Region



Linda S. Adams
Secretary for
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

September 15, 2009

Certified Mail – Return Receipt Requested
Article Number: 7009 1410 0002 2347 6231

Dirk Smith, Project Assistant
City of San Diego, Public Utilities
9192 Topaz Way
San Diego, CA 92123

In reply refer to:
727961: mporter

Dear Mr. Smith:

Subject: Action on Request to Amend Clean Water Act Section 401 Water Quality Certification No. 08C-076 for the East Tecolote Canyon Pipe Encasement Protection project.

The California Regional Water Quality Control Board, San Diego Region (Regional Board) is amending the East Tecolote Canyon Pipe Encasement Protection project, Certification number 08C-076. This amendment has been requested by the City of San Diego to replace a map of the establishment mitigation area dated September 13, 2005 with a modified map, dated February 9, 2009.

The City of San Diego submitted an out-of-date Conceptual Mitigation Plan with the application for Water Quality Certification. As a result, the issued Certification incorrectly identifies the intended mitigation areas for this project. The submitted Conceptual Mitigation Plan for the Canyon Sewer Projects Within San Clemente Canyon, prepared by Merkel & Associates, Inc., stated that 2.13 acres of wetland habitat would be created at three sites adjacent to San Clemente Creek. Actual wetland habitat created totaled approximately 2.77 acres and only two of the original three sites within San Clemente Canyon were used for mitigation.

Any petition for reconsideration of this Certification amendment must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that City of San Diego has accepted and will comply with all conditions of the Certification. Failure to comply with all conditions of this Certification may result in enforcement actions against the City of San Diego.

Changes to the Certification are shown in strikeout and underline fonts below.

California Environmental Protection Agency

C. COMPENSATORY MITIGATION FOR LOSS OF WATERS OF THE U.S./STATE

1. Mitigation for permanent impacts to 0.02 acre of Southern Riparian Forest must be achieved at a combined 3:1 ratio by 1:1 establishment and 2:1 enhancement. Mitigation for permanent impacts to 0.03 acre of Southern Willow Scrub must be achieved at a combined 2:1 ratio by 1:1 establishment and 1:1 enhancement. Mitigation for permanent impacts to 0.03 acre Open Water and Non-wetland Waters of the U.S./Streambed must be achieved at a combined 2:1 ratio by 1:1 establishment and 1:1 enhancement. Establishment will be done according to the ~~September 13, 2005 Conceptual Mitigation Plan for the Canyon Sewer Projects Within San Clemente Canyon, prepared by Merkel & Associates, Inc.~~ **February 9, 2009 San Clemente Canyon Mitigation Project Zero Month Revegetation Report, prepared by Merkel & Associates, Inc.** and enhancement will be done according to the July 1, 2008 *Central Tecolote Enhancement/Mitigation Plan*, prepared by HELIX Environmental Planning, Inc. (Certification number 03C-081).

Attachment 1:

Compensatory Mitigation:

Mitigation for permanent impacts to 0.02 acre of Southern Riparian Forest must be achieved at a 3:1 ratio by 1:1 establishment and 2:1 enhancement. Mitigation for permanent impacts to 0.03 acre of Southern Willow Scrub must be achieved at a 2:1 ratio by 1:1 establishment and 1:1 enhancement. Mitigation for permanent impacts to 0.03 acre Open Water and Non-wetland Waters of the U.S./Streambed must be achieved at a 2:1 ratio by 1:1 establishment and 1:1 enhancement.

- East Tecolote Pipe Protection Project Revegetation Plan
- ~~Conceptual Mitigation Plan for the Canyon Sewer Projects Within San Clemente Canyon~~ **San Clemente Canyon Mitigation Project Zero Month Revegetation Report** (Establishment)
- Central Tecolote Enhancement/Mitigation Plan (Restoration)

Further changes to the Certification are included as the attachment to this letter. This attachment is "Attachment 5" to Certification number 08C-076.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Mike Porter at (858) 467-2726 or mporter@waterboards.ca.gov.

Respectfully,



John H. Robertus
Executive Officer

San Diego Regional Water Quality Control Board

Mr. Dirk Smith
401 Amendment, 08C-076

- 4 -

September 15, 2009

Cc via email:

Terrence Dean
U.S. Army Corps of Engineers, Regulatory Branch
Terrence.dean@usace.army.mil

Kelly Fisher
California Department of Fish and Game
kfisher@dfg.ca.gov

David Smith
Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region 9
R9-WTR8-Mailbox@epa.gov

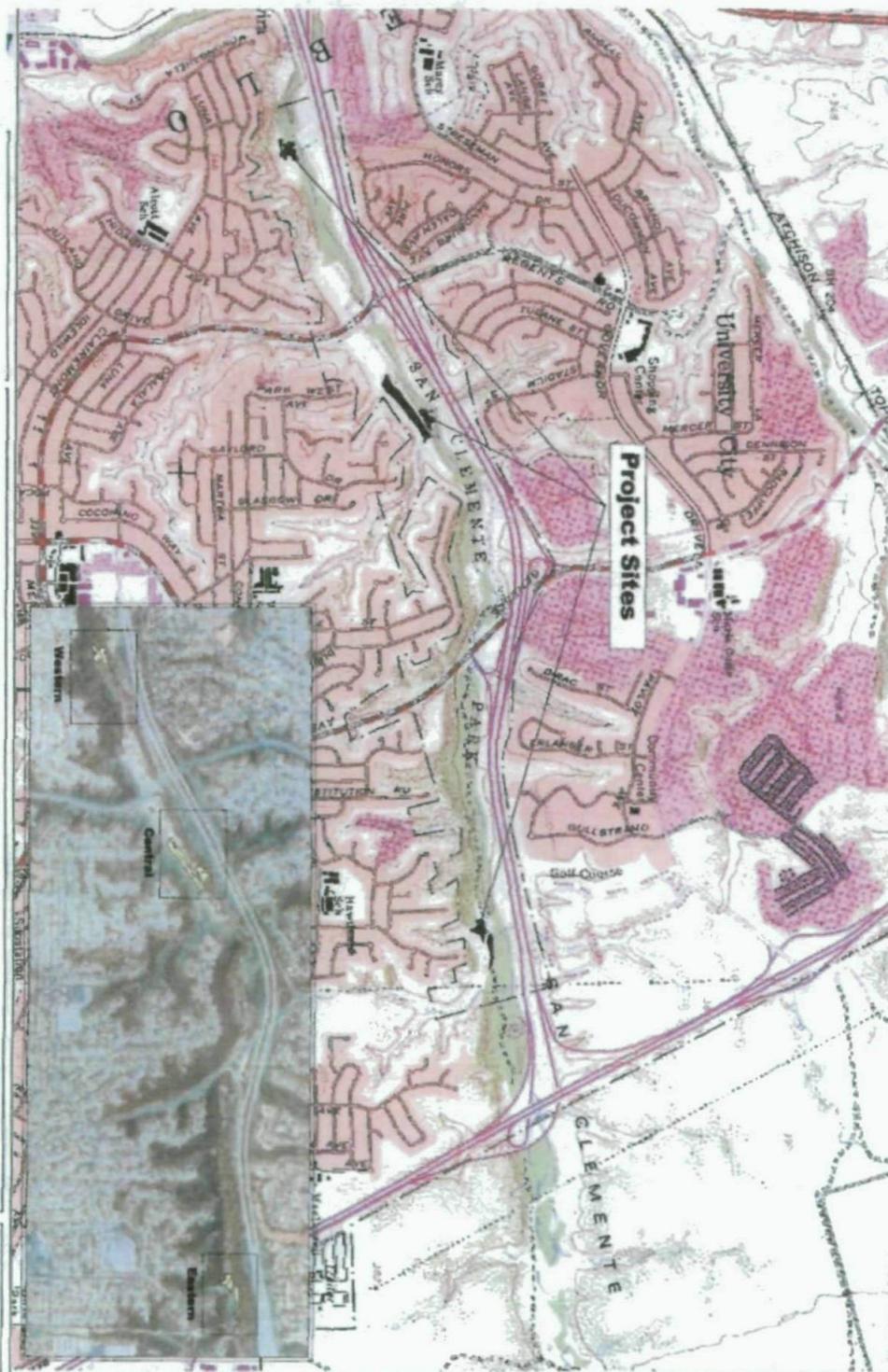
Bill Orme
State Water Resources Control Board, Division of Water Quality
Stateboard401@waterboards.ca.gov

Enclosed: Attachment 5: Mitigation Map (Establishment)

Tech Staff Info & Use	
File No.	08C-076
WDID	9 000001848
Reg. Measure ID	353809
Place ID	727961
Party ID	8709
Person ID	488761

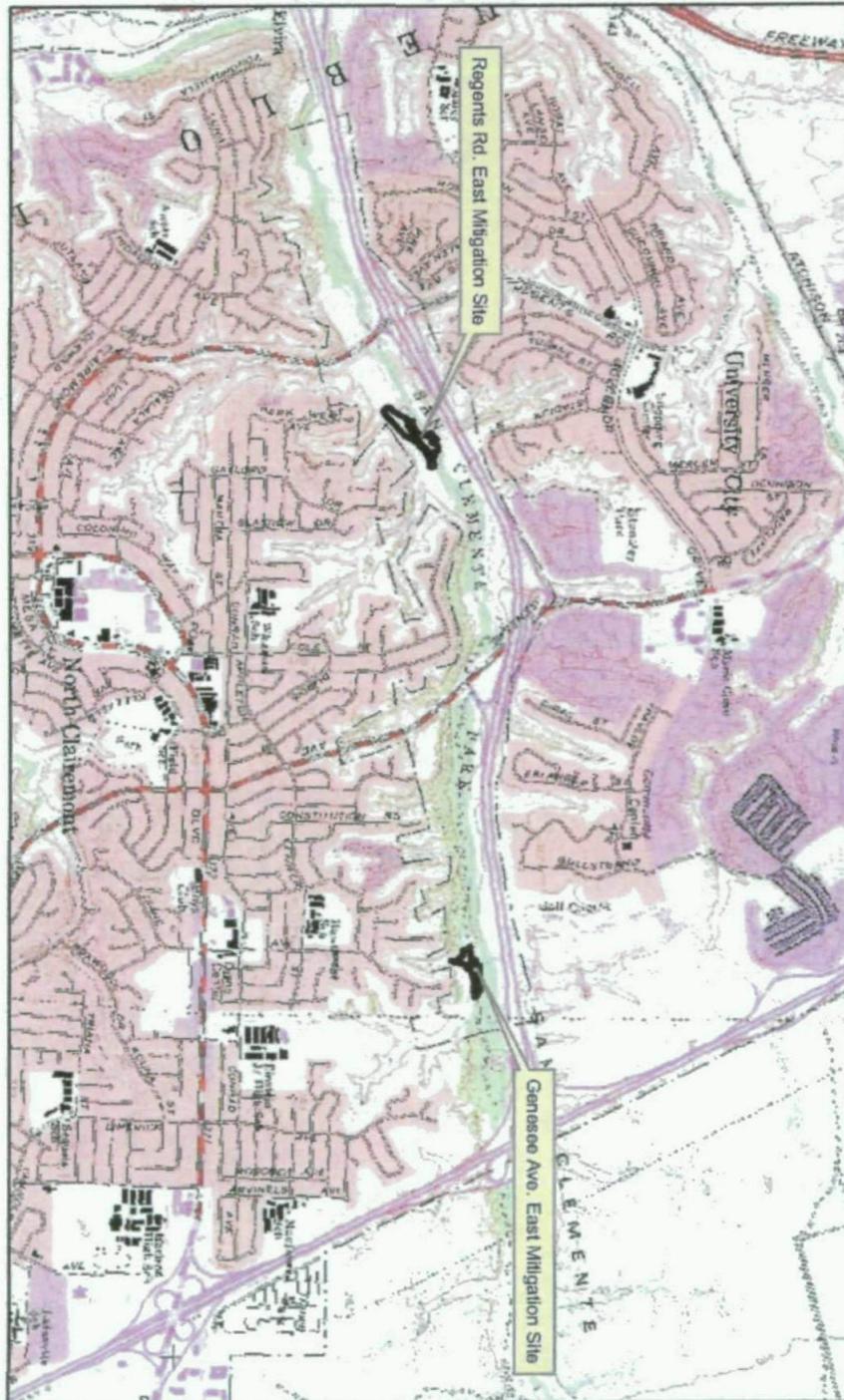
**ATTACHMENT 5
MITIGATION MAP
(Establishment)**

**This map is to be removed from the Certification
Date of map: September 13, 2005**



**ATTACHMENT 5
MITIGATION MAP
(Establishment)**

**This map is to be added from the Certification
Date of map: February 9, 2009**



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Dirk Smith
City of San Diego
9992 Topaz Way
San Diego, CA 92123*

2. Article Number
(Transfer from service label)

7009 1410 0002 2347 6231

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.
CERTIFIED MAIL™



7009 1410 0002 2347 6231
7009 1410 0002 2347 6231

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To *Dirk Smith, City of San Diego*
Street, Apt. No.,
or PO Box No. *9992 Topaz Way*
City, State, ZIP+4 *San Diego, CA 92123*

PS Form 3800, August 2006

See Reverse for Instructions